



October 16, 2018

Correctional Deputy Richard Van Pelt

## **NOTICE OF INTENT TO ISSUE ORDER OF TERMINATION**

Correctional Deputy Van Pelt:

Pursuant to the provisions of the San Luis Obispo County Code 2.40.120 and the Rules of the Civil Service Commission relating thereto, you are hereby notified that Sheriff Parkinson intends to terminate you effective November 3, 2018. He intends to take this action because you have violated the following rules and policies:

### **County of San Luis Obispo Civil Service Rules**

- 14.02 (d) Inexcusable neglect of duty
- 14.02 (f) Dishonesty
- 14.02 (l) Violations of County or department rules or policies

### **San Luis Obispo County Sheriff's Office Policy Manual**

- 340.3.1 ATTENDANCE (a)
- 340.3.5 PERFORMANCE (i)
- 340.3.5 PERFORMANCE (m)
- 340.3.5 PERFORMANCE (ab)

### **San Luis Obispo County Sheriff's Office Custody Services Manual**

- 508.3 SAFETY CHECKS (a)

### **BASIS FOR ACTION:**

The Main Jail Dorm is an assigned 24-hour duty post and operated by one correctional deputy. The Main Jail Dorm usually houses 50-60 inmates. If the correctional deputy needs to use the restroom or escort an inmate, they can leave the Dorm for up to 5 minutes without obtaining relief. If the correctional deputy needs to be away from the Dorm longer than 5 minutes, they need to be relieved by another correctional deputy. Correctional deputies are also required to conduct safety checks every 30 minutes.

On July 30, 2018, Correctional Lieutenant Robert Crout was in his office watching the Jail monitors. Correctional Lieutenant Crout monitors high risk areas on a routine basis using closed-circuit monitors. One of these areas is the Main Jail Dorm. Upon watching the monitor of the Main Jail Dorm, Correctional Lieutenant Crout observed you leave the Main Jail Dorm and exit the ramp leading from the Dorm. You appeared to be away from the Main Jail Dorm for an excessive period.

Correctional Lieutenant Crout then conducted a timed audit of his previous observation and discovered that you left the Dorm unattended for 41 minutes. Besides abandoning your post, you failed to make the required 30-minute safety check of your Dorm. After making this observation, Correctional Lieutenant Crout tasked Correctional Sergeant Rau with conducting an audit of your activity using the timed video feed during your entire workday of July 30, 2018. Correctional Sergeant Rau's audit revealed the below violations of Civil Service Rules and Sheriff's Office policy and practice:

- You falsified an entry in the Main Jail Dorm Security Check Log when you wrote "0728" as the time you conducted a safety check when the actual time was 0737 hours.
- You left the Main Jail Dorm unattended at 0820 hours and returned to the Dorm at 0901 hours, 41 minutes later.
- You failed to conduct a safety check between 0820 and 0901 hours within the mandated 30-minute period.
- You falsified an entry in the Main Jail Security Check Log when you wrote "0850" as the time you conducted a safety check when you left your Dorm unattended from 0820 to 0901 hours.
- You conducted a security check at 1012 hours but falsely logged that you conducted a security check at 1000 hours to comply with the 30-minute requirement (prior entry was at 0929 hours).
- You failed to conduct a safety check between 0929 and 1015 hours within the 30-minute time period.
- You failed to conduct a safety check between 1259 and 1338 hours within the 30-minute time period.
- You falsified an entry in the Main Jail Dorm Security Check Log when you wrote "1324" as the time you conducted a safety check when the actual time was 1338 hours. You did not conduct a physical safety check at 1338, but Correctional Deputy Pafumi entered the Dorm and his entry satisfied the safety check requirement.
- You falsified an entry in the Main Jail Dorm Security Check Log when you wrote that you were in the Dorm from 1430 to 1500 hours. You had left the Main Jail Dorm unattended from 1427 to 1445 hours
- You left the Main Jail Dorm unattended from 1427 to 1445 hours for 18 minutes without obtaining relief.
- You left the Main Jail Dorm unattended for 15 minutes from 1745 to 1800 hours without obtaining relief.

- You falsified an entry in the Main Jail Dorm Security Check Log when you wrote “1749” hours as the time you conducted a safety check when the actual time was 1759 hours.
- You falsified an entry in the Main Jail Dorm Security Check Log when you wrote “1818” hours as the time you conducted a safety check when the actual time was 1830 hours.

Your conduct as described above violates the following rules and policies:

**County of San Luis Obispo Civil Service Rules**

- 14.02 (d) Inexcusable neglect of duty
- 14.02 (f) Dishonesty
- 14.02 (l) Violations of County or department rules or policies

**San Luis Obispo County Sheriff’s Office Policy Manual**

340.3.1 ATTENDANCE: (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

340.3.5 PERFORMANCE: (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Sheriff’s Office record, book, paper or document.

340.3.5 PERFORMANCE: (m) Any knowing or negligent violation of the provisions of the Sheriff’s Office manual, operating procedures or other written directive of an authorized supervisor. The Sheriff’s Office shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

340.3.5 PERFORMANCE: (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

**San Luis Obispo County Sheriff’s Office Custody Services Manual**

508.3 SAFETY CHECKS: (a) Safety checks shall be conducted at least once every 30 minutes and more frequently if necessary.

**LEVEL OF DISCIPLINE:**

Discipline serves three purposes: to modify the offending employee’s behavior, to set expectations for other employees, and to assure the public that the Sheriff’s Office strives to maintain the public trust by holding our employees accountable. In this incident, your conduct was a clear violation of Civil Service Rules and Sheriff’s Office policies and practices.



To arrive at a fair penalty, your conduct must be considered along with your employment history. You have been an employee of this organization since September 14, 2003. You were rated satisfactory on your last two performance evaluations. You have had one sustained complaint during your career for the exact same conduct and charges found in this sustained complaint. On March 27, 2017, you were suspended for 40 hours for failing to conduct safety checks. Twenty of these hours were held in abeyance as an incentive to ensure similar behavior did not recur. Unfortunately, this leniency did not modify your behavior.

Your recent neglect of duty and falsification of official records is serious misconduct and violates the Peace Officer's Code of Ethics. The Peace Officer Code of Ethics states in part that you must be "*Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department.*" Your past and present conduct does not comport to the expectations required of a San Luis Obispo County correctional deputy.

The importance of timely safety checks in the jail cannot be understated. The Sheriff's Office has the responsibility to ensure a safe environment for inmates and employees. Your negligence jeopardized the safety of the inmates. In addition, your falsification of official Sheriff's Office Security Logs is a breach of integrity and counterproductive to the values of this organization.

After taking into consideration the seriousness of the sustained allegations against you coupled with your inability to learn from your past mistakes, termination is the only appropriate penalty.

The above charges are based upon the information and materials that have been provided to you and with this Notice of Intent and upon the contents of your personnel file, which you may review at the County Human Resources Department.

If you believe that the intended discipline is not warranted by the circumstances, you have a right, pursuant to Skelly v. Personnel Board (1975) 1 Cal. 3d. 194, to respond verbally or in writing, or both, before final action is taken. Sheriff Parkinson will conduct the pre-discipline hearing. If you wish to respond orally, an appointment has been scheduled for you in his office on October 31, 2018 at 1300 hours, at which time you will have the opportunity to present information which you believe would mitigate or negate the action proposed. You may have a representative present at that meeting. If you wish to submit a written response, it must be received in the Sheriff's Office no later than 1300 hours on October 31, 2018. Any oral or written response will be taken into consideration before the final Order is issued.

You are notified that you may appeal through the County Human Resources Director to the Civil Service Commission from an Order of Discipline. Said appeal shall be filed within ten (10) business days following service of the Order. Attention is called to Civil Service Rules 4 and 14 relating to disciplinary action and rights on appeal, copies of which are attached.

You are further notified that you may reply in writing within ten (10) business days from the date an Order of discipline is filed with the HR Director. Said answer is optional but shall not be considered an appeal.

Date: 10/17/13


  
Tim Olivas  
Undersheriff

Attachments: Copy of Civil Service Rules 4 and 14  
Copy of San Luis Obispo County Sheriff's Office Policy Manual Section 340  
Copy of San Luis Obispo County Sheriff's Office Custody Services Manual Section 508  
Copy of Personnel Complaint Investigation 18-021  
Copy of all recorded interviews and pertinent video

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I hereby acknowledge receipt of this Notice of Intent consisting of 5 pages and the listed attachments.

Date: 10/17/13

  
Richard Van Pelt



COUNTY OF SAN LUIS OBISPO  
SHERIFF'S OFFICE  
Ian Parkinson Sheriff-Coroner

November 26, 2018

Correctional Deputy Richard Van Pelt

## ORDER OF TERMINATION

Correctional Deputy Van Pelt:


This Order of Termination is issued pursuant to County Code 2.40.120 and Civil Service Rule 14. A Notice of Intent of Termination was served on you on October 17, 2018. On November 13, 2018, you attended your *Skelly* hearing with your attorney present. I am affirming my intent to discipline you as noticed. You shall be terminated on November 26, 2018.

I take this action based on my determination that you violated the rules and policies as set forth in the Notice of Intent.

You are notified that you may appeal through the County Human Resources Director to the Civil Service Commission. Said appeal shall be filed within ten (10) business days following the service of this Order. Attention is called to Civil Service Rules 4 and 14 relating to disciplinary action and rights on appeal, copies of which were attached to the Notice of Intent served on October 17, 2018. You are further notified that you may also reply in writing through the County Human Resources Director within ten (10) business days from service of this Order, pursuant to County Code 2.40.120(c). Said reply is optional and shall not be considered an appeal.

Date:


11/26/18

  
Ian S. Parkinson  
Sheriff-Coroner

I hereby acknowledge receipt of this Order of Termination consisting of 1 page.

Date:

11/30/18

  
Richard J. Van Pelt

San Luis Obispo County Sheriff's Department

## Department Issued Property

Name: *Van Pelt, Richard J*

Body #: *0985*

Rank: *CD*

Item Type	Description	Item #	# Issued	Issue Date	Return Date	Notes:
Baseball Cap			1	9/3/2003		Return not applicable on this item
<i>CHECK w/ J. ARMSTRONG LOOKING</i>	<del>Baton w/ring</del>	C152	1	9/3/2003		
	Cap Piece	84	1	9/3/2003		
	Correctional Officer					
	✕ Cloth Badge		3	9/3/2003		
	✕ Cloth Name Tag		2	9/3/2003		
	FOB	246141	1	7/3/2014		
	FOB	391SD	1	11/5/2008		
✓	Key - 3204		1	9/3/2003	8-19-18	
✕	Key - Cuff		1	9/3/2003		
✓	Key - P772		1	9/3/2003	8-19-18	
✓	Key - Station	DABAB1	338	6/9/2004	8-19-18	
✕	Metal Name Tag		2	9/3/2003		
✕	Patches		20	9/3/2003		
	Personnel Policy Manual	458	1	9/3/2003	11-30-18	
	Uniform Badge	63	1	9/3/2003	11-30-18	
✓	Dept. ID				8-19-18	

Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property Officer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Once completed and signed off by Property Officer, please return to Support Services